

FILED

NOV 14 2003

Terry Deinlein, Acting Clerk
Cincinnati, Ohio

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAMES F. ARNETT,

Petitioner,

v.

WANZA JACKSON, Warden,

Respondent

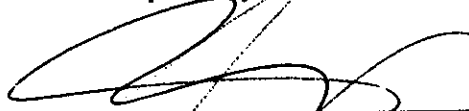
**CASE NO. C-1-01-157
(Spiegel, J.; Sherman, M.J.)**

**MOTION AND ORDER FOR EXTENSION OF TIME
TO FILE RESPONSE TO RESPONDENT JACKSON'S
MOTION FOR STAY OF COURT'S
OCTOBER 8, 2003 JUDGMENT**

Comes now Petitioner James F. Arnett, by and through counsel, and states: that on October 7, 2003 this Court rendered an Order adopting and affirming the Report and Recommendation of Magistrate Judge Jack Sherman, Jr. upon the action by Petitioner for a writ of habeas corpus pursuant to 28 U.S.C. Section 2254; that on October 8, 2003 the Court entered Judgment in a Civil Case granting Petitioner's habeas corpus petition and ordering that Petitioner be released from prison unless the Hamilton County Ohio Court of Common Pleas re-sentences Petitioner by another judge within ninety days; that Respondent Wanza Jackson, Warden of Warren Correctional Institution where Petitioner is incarcerated, filed and served upon Petitioner Respondent Jackson's Motion for Stay of Court's October 8, 2003 Judgment on October 21, 2003; that Petitioner's counsel needs additional time to conduct research concerning right to a stay pending appeal to the Sixth Circuit Court of Appeals; that the time for Petitioner to respond to these objections has not expired as set forth in Rules 7.2(a)(2) of the local rules of practice for the United States District Court for the Southern District of Ohio,

WHEREFORE, Petitioner requests that, pursuant to Federal Civil Rule 6(b)(1), that he be granted a fourteen (14) day extension of the time for responding to Respondent's objections until and through November 28, 2003.

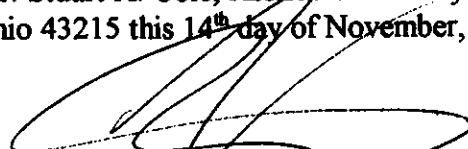
Respectfully submitted,



Charles H. Bartlett, Jr. (0017609)
Counsel of Record for Petitioner
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(513) 977-4212
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E-Mail: lawyerchb@aol.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was served upon Respondent by ordinary U.S. mail directed to her attorney, Mr. Stuart A. Cole, Assistant Attorney General, 140 E. Town Street, 14th Floor, Columbus, Ohio 43215 this 14th day of November, 2003.



Charles H. Bartlett, Jr. (0017609)
Counsel of Record for Petitioner

ORDER

Upon Motion of Petitioner, and for good cause shown,

IT IS HEREBY ORDERED that Petitioner James F. Arnett shall be granted an additional Fourteen (14) days to respond to Respondent Jackson's Motion for Stay of Court's October 8, 2003 Judgment.

Judge S. Arthur Spiegel